

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 15-cv-20457
Hon. Matthew F. Leitman

v.

DWAYNE DUPREE and
SHAWN PEARSON,

Defendants.

**ORDER GRANTING IN PART AND DENYING IN PART DEFENDANT
SHAWN PEARSON'S MOTION TO STRIKE PROPOSED EXPERT
TESTIMONY (ECF #93)**

On August 27, 2016, Defendant Shawn Pearson (“Pearson”) filed a motion to strike the proposed expert testimony of Government witness Joseph Jensen (“Jensen”) (the “Motion”). (*See* ECF #93.) In the alternative, Pearson asked the Court to adjourn the scheduled September 7, 2016, trial date to allow him to retain his own rebuttal expert. (*See id.*) The Court held a hearing on the Motion on September 6, 2016.

For the reasons stated on the record at the September 6, 2016, hearing, **IT IS HEREBY ORDERED** that the Motion (ECF #93) is **GRANTED IN PART AND DENIED IN PART** as follows. The Motion is **DENIED** to the extent that it seeks to exclude Jensen’s testimony on the grounds that the Government failed to

provide timely disclosure of Jensen's anticipated testimony. The Motion is **GRANTED** to the extent it seeks an adjournment of the scheduled trial date to allow Pearson to retain his own rebuttal expert and to file a *Daubert* motion challenging Jensen's proposed testimony.

Counsel shall work together with the Court's Case Manager to determine a date and time for a *Daubert* hearing with respect to Jensen's testimony. Once a date and time for that hearing is determined, counsel shall file a stipulated order with the Court setting forth the briefing and hearing schedule for the *Daubert* motion. The stipulated order shall also memorialize the Speedy Trial Act waivers that were placed on the record on September 6, 2016.

IT IS SO ORDERED.

/s/Matthew F. Leitman

MATTHEW F. LEITMAN

UNITED STATES DISTRICT JUDGE

Dated: September 7, 2016

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on September 7, 2016, by electronic means and/or ordinary mail.

/s/Holly A. Monda

Case Manager

(313) 234-5113